



**ISLAMORADA, VILLAGE OF ISLANDS
REGULAR VILLAGE COUNCIL MEETING**

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036
April 26, 2012
5:30 PM**

I. CALL TO ORDER/ROLL CALL

Mayor Reckwerdt called the meeting to order at 5:41 p.m. and invited Village Clerk Debra Eastman to call the roll. The following Council members were present on roll call: Councilman Don Achenberg, Councilman Ted Blackburn, Councilman Dave Purdo, Vice Mayor Ken Philipson and Mayor Michael Reckwerdt.

II. PLEDGE OF ALLEGIANCE

Mayor Reckwerdt invited Keith Douglas to lead the Pledge of Allegiance.

III. PRESENTATIONS

- A. Proclamation: May as Motorcycle Awareness Month
Councilman Purdo presented a proclamation to members of ABATE declaring the month of May 2012 as Motorcycle Awareness Month.
- B. Presentation of the Comprehensive Annual Financial Report (CAFR)
Jim Burdick of Cherry, Bekaert and Holland presented the findings of the Comprehensive Annual Financial Audit to the Village Council.

IV. PUBLIC COMMENT

Jim Bellizzi spoke regarding a possible grant opportunity to assist in burying the electric lines in Venetian Shores.
Stan Margulies also spoke about the grant and requested assistance from the Village.

V. AGENDA: Request for Deletion / Emergency Additions

There were no additions or deletions made to the agenda under this title.

VI. CITIZENS' ADVISORY COMMITTEE UPDATES

- A. Historic Preservation Commission – Committeeperson Mike Bier
Mike Bier presented a report from the Historic Preservation Commission.
- B. Workforce/Affordable Housing Citizens' Advisory Committee – Keith Douglas, Interim Chairman
This report was added to the agenda at the time of the meeting.
Keith Douglas provided a report that the Workforce/ Affordable Housing Citizens' Advisory Committee Chairperson Renee Sebastian has resigned and that he has been appointed the Interim Chairperson. He indicated that there are currently three vacant seats

on the Committee. Mr. Douglas reported that the Committee agreed to recommend to the Village Council to subsidize back billing of wastewater charges to deed restricted affordable home owners and reimbursement of plumbing connection costs for deed restricted affordable homes not yet connected to the North Plantation Key Wastewater collection system.

C. Annual Review of Citizens' Advisory Committees and Consideration of the Citizens' Financial Advisory Committee

Executive Assistant to the Village Manager Mary Swaney summarized that the Village Council has been provided with all Committee information and requested direction to staff.

Vice Mayor Philipson made a motion to sunset the Financial Advisory Committee. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

There were no other changes offered to the committee resolutions.

VII. WASTEWATER MATTERS

A. Wastewater Update

Wastewater Program Director Greg Tindle reported that the Wastewater Management Plan has been submitted to SRF and will be formally presented at the May 24 Regular Village Council meeting.

Vice Mayor Philipson expressed concern with how the project will be handled going forward and whether an in house engineer and construction attorney would be required. Tom Brzezinski explained that in 2010 Wade Trim prepared an Owner's Representative and Construction Management Proposal of which the design criteria was the first phase. He will have the work authorization prepared for Council action at their next meeting.

B. Key Largo Agreement

Wastewater Program Director Greg Tindle further reported that Key Largo Wastewater Treatment District Board will vote on the agreement on May 1.

Councilman Achenberg made a motion to hold a Special Call meeting to discuss the agreement on Tuesday, May 1, 2012 at 10 a.m. The motion received a second from Councilman Purdo. All were in favor.

Robby Silk asked if the vote would be binding.

VIII. QUASI-JUDICIAL

A. Application for Administrative Relief (AR 11-04) for George and Evangeline Vrotsos

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF GEORGE AND EVANGELINE VROTSOS, FOR ADMINISTRATIVE RELIEF FROM THE VILLAGE BUILDING PERMIT ALLOCATION SYSTEM (BPAS) FOR PROPERTY LOCATED AT 75465 OVERSEAS HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the quasi-judicial statement. Village Clerk Debra Eastman gave the oath to the witnesses. Village Attorney James White read the title of the resolution and requested that the Council members disclose any exparte communications. There were none. Principal Planner Cheryl Cioffari provided the staff report. Mayor Reckwerdt invited any testimony in favor or in opposition. There was none.

Vice Mayor Philipson made a motion to grant administrative relief from the Village Building Permit Allocation System. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

IX. CONSENT AGENDA

A. Minutes:

April 5, 2012 Special Call Village Council Meeting
April 5, 2012 Executive Session 4 p.m.
April 5, 2012 Executive Session 4:30 p.m.
April 12, 2012 Regular Village Council Meeting

Councilman Achenberg made a motion to adopt the consent agenda. The motion received a second from Councilman Purdo. Mayor Reckwerdt called for the vote and the motion passed 5-0.

X. ORDINANCES

There were no ordinances.

XI. RESOLUTIONS

A. EAC Consulting, Inc. – Request for Payment Approval

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PAYMENT OF \$17,785.42 IN OUTSTANDING INVOICES TO EAC CONSULTING, INC.; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE PAYMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution. Finance Director Maria Aguilar explained the history of the unpaid invoices. Councilman Achenberg suggested that the Village should pay half of the amount requested. After discussion, Councilman Purdo made a motion to adopt the resolution. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and the motion passed 4-1 with Councilman Achenberg voting in opposition.

B. Approval of a Resolution of the Village Council Pertaining to the Litigation Matters Styled Cheeca Holdings, LLC et al v. Islamorada, Village of Islands and Danise D. Henriquez, Tax Collector, Monroe County, Case No. 08-CA-805-P, 16th Judicial Circuit, Monroe County, Florida; NWLC, LLC et al v. Islamorada, Village of Islands and Danise D. Henriquez, Tax Collector, Monroe County, Case No. 11-CA-816P, 16th Judicial Circuit, Monroe County, Florida; and Islamorada, Village of Islands v. State of Florida, Case No. 11-CA-1077P,

at to the Approval of a Settlement and Tolling Agreement and Transfer of Pending Litigation

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING A SETTLEMENT AND TOLLING AGREEMENT BETWEEN CHEECA HOLDINGS, LLC AND CERTAIN AFFILIATED ENTITIES OF CHEECA HOLDINGS, LLC (INCLUDING NWLC, LLC), DANISE D. HENRIQUEZ (AS TAX COLLECTOR FOR MONROE COUNTY, FLORIDA) AND ISLAMORADA, VILLAGE OF ISLANDS IN THE CASE STYLED CHEECA HOLDINGS, LLC, ET AL V. ISLAMORADA, VILLAGE OF ISLANDS AND DANISE D. HENRIQUEZ, TAX COLLECTOR, MONROE COUNTY, CASE NO. 08-CA-805-P, IN THE SIXTEENTH JUDICIAL CIRCUIT, TO SETTLE A CHALLENGE TO A 2008 WASTEWATER PLANNING SPECIAL ASSESSMENT BY AGREEING TO THE DISMISSAL THEREOF SUBJECT TO A STATUTE OF LIMITATIONS TOLLING AGREEMENT, AND TO TRANSFER THE CASE STYLED NWLC, LLC, ET AL V. ISLAMORADA, VILLAGE OF ISLANDS AND DANISE D. HENRIQUEZ, TAX COLLECTOR, MONROE COUNTY, CASE NO. 11-CA-816P, IN THE SIXTEENTH JUDICIAL CIRCUIT, A LAWSUIT CHALLENGING A 2011 WASTEWATER CAPITAL SPECIAL ASSESSMENT TO THE CASE STYLED ISLAMORADA, VILLAGE OF ISLANDS V. STATE OF FLORIDA, CASE NO. 11-CA-1077P, IN THE SIXTEENTH JUDICIAL CIRCUIT, A PENDING BOND VALIDATION PROCEEDING; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO EXECUTE THE SETTLEMENT AND TOLLING AGREEMENT AND ANY ADDITIONAL DOCUMENTS PERTAINING TO THE SETTLEMENT; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AND TRANSFER, TO EXECUTE AND FILE ANY REQUIRED DOCUMENTS WITH THE COURT TO CONCLUDE AND TRANSFER THE LITIGATION; AND PROVIDING FOR AN EFFECTIVE DATE

Village Attorney James White read the title of the resolution.

Marty Waits provided public comment and spoke in favor of the resolution and provided information regarding reuse at Checca.

Village Attorney Nina Boniske explained the reason for the resolution.

Vice Mayor Philipson made a motion to adopt the resolution. The motion received a second from Councilman Achenberg. Village Clerk Debra Eastman called the roll and the motion passed 5-0.

XII. MOTIONS

There were no motions.

XIII. UNFINISHED BUSINESS

There was no unfinished business.

XIV. MAYOR / COUNCIL COMMUNICATIONS

Mayor Reckwerdt requested that the members of the Village Council direct the Village Manager to begin discussion with the Monroe County Manager regarding the sharing of services. He suggested that the Managers could have a discussion and the Village Manager can bring that information back to a future meeting of the Village Council. It was agreed.

Mayor Reckwerdt suggested that the Village Council direct the Village Manager to schedule a meeting with the Village legal staff, the Village Manager and two different law firms to obtain information regarding whether the Village should file a claim with BP.

Councilman Purdo reminded that he is still interested in having the appropriate person attend a Village Council meeting to discuss the crocodile situation.

Councilman Achenberg made a motion to pay the invoice received for the Attorney General Operational audit in the amount of \$115,000. The motion received a second from Vice Mayor Philipson. Mayor Reckwerdt called for the vote and the motion passed 5-0. Village Attorney Nina Boniske indicated that it would be preferred to have an official resolution for this action. She will prepare the document for the next Council meeting.

Councilman Blackburn requested that due to a family commitment the Regular Village Council meeting on May 10 begin at 4 p.m., rather than 5:30 p.m. It was agreed.

Vice Mayor Philipson made a motion to subsidize the back sewer billings and hookup fees for affordable housing. There was no second.

Deb Gillis spoke regarding how the subsidy should be applied.

Marty Waitts spoke about the possibility of waiving the charges.

Michael Brady spoke regarding his personal bill.

It was decided to bring the item back to a future meeting after gathering more information. The motion was withdrawn.

A. Federal Lobbyist Discussion

This item was deferred.

XV. VILLAGE ATTORNEY / VILLAGE MANAGER COMMUNICATIONS

A. FY 2011-2012 2nd Quarter Budget v. Actual Presentation

Maria Aguilar presented the report. The Village Council thanked Maria and agreed to the format.

Village Manager Ed Koconis confirmed with the Village Council that they are in favor of having a Veteran's monument erected at the hurricane monument location. All were in favor.


Village Manager Ed Koconis confirmed with the Village Council that they want staff to move forward with application for a historic designation at the Russell House. It was suggested that the item be placed on a future agenda.

Village Manager Ed Koconis reported that there will be a meeting on April 30 regarding hurricane evacuation.

XVI. ADJOURNMENT

A motion was made by Councilman Achenberg to adjourn. The motion received a second from Councilman Purdo. All were in favor. The meeting adjourned at 8:40 p.m.

Approved by the Village Council on May 10, 2012.


Debra E. Eastman, MMC
Village Clerk